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Wisconsin Administrative Code NR 20.40

NR 20.40 Fishing tournaments.

(1) DEFINITIONS. In this section:

(a) "Aquatic invasive species" has the meaning in NR 198.12(1).

(a) "Fishing tournament" means any organized fishing activity, on any water of the state where competition is the primary intent, and where prizes or incentives are awarded which, in total, have a value of more than \$500, where the total number of participants is greater than 40 individuals or 20 boats, where the waters to be fished are identified by name by the sponsor, and where participants are required to fish on the same dates.

(c) "Immediate-release tournament" means a fishing tournament where fish caught by participants are not reduced to possession and transported, but are held only long enough for identification and measurement of length or weight, and released to the water from which they came.

(d) "Live-release tournament" means a fishing tournament where fish caught by participants are reduced to possession and transported, usually for purposes of recording, and live fish are then released to the water from which they came.

(e) "Off-site weigh-in" means a weigh-in of fish from a live-release tournament at a location that is not adjacent to the waters listed on the fishing tournament permit.

(f) "Permitted fishing tournament" means a fishing tournament that requires a permit from the department.

(g) "Permitted fishing tournament boat days" is a measure of tournament fishing pressure for open water permitted fishing tournaments that is calculated by multiplying the number of boats participating in an open water permitted fishing tournament by the length days of that open water permitted fishing tournament in days.

(h) "Permitted fishing tournament participant days" is a measure of tournament fishing pressure for permitted ice fishing tournaments that is calculated by multiplying the number of participants in a permitted ice fishing tournament by the length of that permitted ice fishing tournament in days.

(b~~i~~) "Person" means any individual, partnership, association, organization or body politic or corporate.

(j) "Possess" means to own, control, restrain, transport, or keep. Once a fish is possessed, it must be counted towards the anglers daily bag limit pursuant to s. NR 20.05(7). Any of the following conditions constitute possession:

1. Holding a fish out of the water longer than one minute.

2. Placing a fish into a live well.

3. Holding a fish at boat side for longer than five minutes.

4. Transportation of a fish other than to avoid eminent danger.

5. Inability of a fish to swim away upright under its own power.

(e~~k~~) "Sponsor" means a person who advances, conducts, directs, establishes, organizes, promotes or otherwise is responsible for the operation of a fishing tournament, but does not include a person who only assists in

advertising or publicizing another person's fishing tournament. "Sponsor" also means to advance, conduct, direct, establish, organize, promote or otherwise be responsible for the operation of a fishing tournament.

(L) "Traditional fishing tournament" means a fishing tournament that was issued permits four out of five years from 2002 to 2006, for the same water and time period. Beginning January 1, 2007, traditional fishing tournaments must continue to be conducted at least four out of five years for the same lake and time period to remain a traditional fishing tournament.

(m) "Weigh-in" means a registration process for live-release fishing tournaments by which fish are measured for weight.

(2) PERMIT REQUIRED. No person may sponsor or participate in a fishing tournament ~~without first obtaining a permit from the department~~ for which a permit has not been approved unless exempted under sub 3. A person must obtain a permit from the department to sponsor a fishing tournament if one or more of the following apply:

(a) For lakes smaller than 1,000 acres or inland rivers, the total number of boats for open-water tournaments is 10 or more, or the number of participants for ice fishing tournaments is 30 or more.

(b) For lakes 1,000 acres to, but less than, 3,000 acres, the total number of boats for open-water tournaments is 15 or more, or the number of participants for ice fishing tournaments is 40 or more.

(c) For lakes 3,000 acres and larger, the Great Lakes, Wisconsin-Minnesota boundary waters as defined in NR 21.02(16), Wisconsin-Iowa boundary waters as defined in NR 22.02(14), the total number of boats for open-water tournaments is 20 or more, or the number of participants for ice fishing tournaments is 50 or more.

(d) The fishing tournament is a live-release tournament with a weigh-in.

(e) The fishing tournament is limited to trout species on inland waters.

(f) The total prize value is \$25,000 or greater.

(3) NO PERMIT REQUIRED. A person may sponsor a fishing tournament without a permit from the department provided the event does not meet any of the requirements in sub. 2, or participants are not required to fish on the same dates, and the waters are not specifically named by the sponsor.

(34) APPLICATION. ~~A person who wishes to sponsor a fishing tournament requiring a permit from the department shall apply to the department for a permit on forms available from the department. The application shall be submitted no sooner than one calendar year before the starting date of the tournament and no later than 30 days before the starting date of the tournament.~~

(a) Permit applications shall specify an individual who shall supervise the tournament to ensure compliance with all tournament permit conditions and regulations.

(b) Applicants for a fishing tournament consisting of fewer than 50 boats or 100 participants shall pay a \$50.00 non-refundable permit application fee upon submission of the application.

(c) Applicants for a fishing tournament consisting of 50 to 99 boats or 100 to 199 participants shall pay a \$100.00 non-refundable permit application fee upon submission of the application.

(d) Applicants for a fishing tournament consisting of 100 to 149 boats or 200 to 299 participants shall pay a \$150.00 non-refundable permit application fee upon submission of the application.

(e) Applicants for a fishing tournament consisting of 150 to 199 boats or 300 to 399 participants shall pay a \$200.00 non-refundable permit application fee upon submission of the application.

(f) Applicants for a fishing tournament consisting of 200 boats or more or 400 participants or more shall pay a \$250.00 non-refundable permit application fee upon submission of the application.

(g) There is no application fee for a fishing tournament permit where all participants are younger than 18 years old.

NR 20.40 - ANNOT.

Note: Application forms may be obtained at no charge from department service centers and regional offices.

(4) ACTION ON PERMIT APPLICATIONS PROCESS.

~~(a) The department shall act on fishing tournament permit applications no later than 10 business days following receipt of a complete application.~~

~~(b) Permits shall be granted unless the sponsor's privilege has been revoked pursuant to sub. (8).~~

(a) Beginning August 1 each year, the department shall accept permit applications for fishing tournaments to be held in the following year.

(b) If the number of permit applications received by the department from August 1 through the last Friday in September exceeds the limits specified in subs (6) and (7), the department shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the department shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications, provided that the change is not to a location or time period for which applications are already at or above the limits specified in subs. (6) and (7).

(c) After the deadline to change applications as provided under (b), the department shall conduct a drawing for all locations and time periods for which applications exceed limits established in sub 6. Traditional fishing tournaments are not included in the drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water.

(d) The department shall by November 7 approve or deny permit applications that are submitted by 4:30 p.m. on the last Friday in September. The department may approve a permit application that is received after 4:30 p.m. on the last Friday in September if approving the application would not result in exceeding the limits in subs. (6) and (7).

(5) COMPLIANCE. All participants in a permitted tournament shall comply with all provisions of the permit. In the event that a participant clearly fails to comply with the permit, the violating participant shall promptly be disqualified ~~or~~ and expelled from the tournament by the sponsor. The department may impose penalties under sub. (8~~11~~) and take other appropriate enforcement action against the violating participant.

(6) LIMITS ON SIZE AND NUMBER OF FISHING TOURNAMENTS. The size and number of permitted fishing tournaments allowed each month on a water body shall not exceed the following limits:

(a) Lakes:

<u>LAKE OR LAKE CHAIN SIZE (ACRES)</u>	<u>MAXIMUM NUMBER PERMITTED OPEN WATER FISHING TOURNAMENT BOATS</u>	<u>MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENT BOAT DAYS</u>	<u>MAXIMUM NUMBER PERMITTED ICE FISHING TOURNAMENT PARTICIPANTS</u>	<u>MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENT PARTICIPANT DAYS</u>
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<u>1. Less than 150</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>2. 150 – 299</u>	<u>15</u>	<u>60</u>	<u>100</u>	<u>400</u>
<u>3. 300 – 449</u>	<u>25</u>	<u>90</u>	<u>200</u>	<u>800</u>
<u>4. 450 – 999</u>	<u>30</u>	<u>270</u>	<u>300</u>	<u>2,700</u>
<u>5. 1,000 – 1,999</u>	<u>50</u>	<u>450</u>	<u>500</u>	<u>4,500</u>
<u>6. 2,000 – 2,999</u>	<u>75</u>	<u>675</u>	<u>750</u>	<u>6,750</u>
<u>7. 3,000 – 3,999</u>	<u>100</u>	<u>1,600</u>	<u>1,000</u>	<u>16,000</u>
<u>8. 4,000 – 6,999</u>	<u>150</u>	<u>2,100</u>	<u>No Limit</u>	<u>No Limit</u>
<u>9. 7,000 – 9,999</u>	<u>200</u>	<u>3,000</u>	<u>No Limit</u>	<u>No Limit</u>
<u>10. Larger than 10,000</u>	<u>No Limit</u>	<u>No Limit</u>	<u>No Limit</u>	<u>No Limit</u>

(b) Lakes less than 150 acres may be included in a permitted fishing tournament if it is part of a chain of lakes that has a total acreage larger than 150 acres and that can be navigated to by the boats used by participants during the fishing tournament permitted for that lake on that day.

(c) Permits issued for any combination of lakes within a chain of interconnected lakes will count toward the maximum number of permitted fishing tournament days for the entire chain.

(d) For boundary water lakes, the limits on the number of permitted fishing contests shall be determined based on the Wisconsin acreage.

(e) Rivers:

	<u>MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENTS</u>
<u>1. Mississippi River: pool 3, 5, 5A, 6, 7, 8, 9, 10, 11, 12, 13</u>	<u>4 (each pool)</u>
<u>2. Mississippi River: Pool 4</u>	<u>5</u>
<u>3. Lake St. Croix</u>	<u>4</u>
<u>4. St. Croix River, Wisconsin River, Fox River, Wolf River</u>	<u>2 (per continuous 10-mile segment)</u>

5. Fishing tournament waters identified in the permit for Mississippi River pools are limited to no more than three pools where each pool is separated by a lock and dam.

6. Fishing tournament waters for Lake St. Croix shall be bounded by the HWY 10 bridge at Prescott upstream to the Acola Bar.

7. Other Rivers. No more than two permitted fishing tournaments, not to exceed four days combined, may be issued for any continuous 20-mile segment of a river per month. Tournament permits issued by the department shall not permit more than 60 continuous river miles.

(7) ADDITIONAL FISHING CONTEST PERMITS. Notwithstanding the limits in sub 6, the department may allow one additional permit each year for fishing tournaments on lakes greater than 1,000 acres or river segments greater than 10 continuous miles. For additional fishing tournaments permitted under this subdivision, the fishing tournament permit applicant must demonstrate to the department that the contest will:

(a) Provide economic benefits to the local area; and

(b) Promote public awareness of fishing and the state's resources; and

(c) Conform to best management practices for the lake; or

(d) Is a traditional fishing tournament.

(8) DISPOSITION OF DEAD FISH. The department shall require each applicant to provide a written plan for the disposition of any dead fish resulting from the fishing tournament.

(62) GENERAL PROVISIONS AND PERMIT CONDITIONS.

(a) No person may sponsor fishing tournaments on the same body of water with starting dates separated by less than 2 weeks.

(ba) No person may sponsor a fishing tournament for a particular species of fish on the opening weekend of any fishing season for that species on any water subject to the opening.

(b) No person may sponsor a fishing tournament on the three-day Memorial Day weekend, Fourth of July or three-day Labor Day weekend unless it is a traditional fishing tournament.

(c) The department may restrict the number of parking spaces used by fishing tournament participants at public access sites owned by the state and the portion of the access site used to minimize user conflicts based on the following criteria:

1. Public access to the water where the permitted fishing tournament is being conducted is reasonably available during the tournament.

2. Other scheduled events are accommodated to take place at the same time and on the same water where the permitted fishing tournament is scheduled.

3. Restrictions are needed to protect sensitive resources or to avoid user conflicts for limited resources.

(d) For open water permitted fishing tournaments participants' boats must be identified the same way in a manner that makes them easily identifiable on the water as fishing tournament participants and the method for identification must be provided to the department.

Note: Plastic flagging of a boat's trolling motor or antennae is an example of adequate identification.

(e) Restrictions on immediate-release tournaments. For a tournament to be considered immediate-release, it must meet the following conditions:

1. Fish may be held out of the water for up to one minute in order to remove hooks, and measure the length or weight of the fish.

2. For tournaments requiring fish to be temporarily held in the water so as not to be considered reduced to possession, participants must:

a. Possess a "cradle" or landing net of sufficient size to allow a fish to remain upright in the water at boat side.

b. Hold fish in a net in the water at boat-side and should not be boated except as absolutely necessary to remove hooks, measure, or avoid eminent danger.

c. Not transport the fish except within the immediate vicinity of the capture site to avoid eminent danger and to facilitate a quick and safe release of the fish.

d. Upon landing a fish, immediately initiate the official tournament registration process.

e. Successfully release the fish, as indicated by the capability of the fish to swim away upright under its own power, prior to resuming fishing.

(f) Restrictions on live-release tournaments.

1. No person may sponsor a live-release tournament for walleye, sauger, and their hybrids from Memorial Day to Labor Day.

2. No person may sponsor a live-release tournament with an off-site weigh-in for bass during July and August.

3. No person may sponsor a live-release tournament for largemouth bass on waters or connected waters where largemouth bass virus or other transmittable diseases are known to occur.

4. No person may sponsor a live-release tournament for muskellunge, northern pike, sturgeon, or trout with an off-site weigh-in.

5. No person may sponsor a live-release tournament unless fish holding equipment and fish handling procedures meet the following standards:

a. Boats used by all participants in the tournament are equipped with live wells that are demonstrated to the tournament sponsor as functioning properly prior to an angler fishing as part of the fishing tournament.

b. On-shore holding tanks used to hold fish during the weigh-in process must have the capacity sufficient to hold at least 1 gallon of water per pound of fish held.

c. The holding tanks on shore are equipped with aeration or oxygenation systems capable of maintaining the dissolved oxygen at 5 ppm or higher.

d. Fish shall not be held in water-filled bags for longer than five minutes. Fish shall be held in live wells while anglers wait to weigh-in their catch.

6. No person may sponsor a live-release tournament with an off-site weigh-in unless fish holding equipment and fish handling procedures meet the standards in sub (f)5. and:

a. The number of fish weighed in does not exceed 50 in total.

b. Fish are held for no more than two hours from the time they leave the tournament waters until they are returned to tournament waters.

c. The department provides written approval of the off-site weigh-in facility and procedures.

7. The department may include the following permit conditions for live-release tournaments when it determines that environmental conditions are not conducive to survival of fish intended for release and the release may constitute unreasonable waste of natural resources under the provisions of s. 23.095 (1), Stats:

a. The department may require harvest or immediate-release of fish.

b. The department may restrict the area that may be fished by fishing tournament participants to reduce the time and distance for which fish are held in live wells.

c. The department may require re-distribution of released fish.

8. The department may modify or revoke a fishing tournament permit at any time to protect significant natural resources. Examples of situations include, but are not limited to:

a. Discovery of a fish disease.

b. Unusual and potentially detrimental water quality, such as high water temperature and low dissolved oxygen.

c. Unusual weather event.

(fg) All permits for fishing tournaments shall:

1. Identify areas where competitive fishing is prohibited for the following reasons:

a. To protect critical habitat, including areas designated by local ordinance for aquatic vegetation preservation or areas where habitat enhancement activity is underway, and

b. To protect public rights, interests or safety, including designated swimming areas, mooring areas, access areas, navigational channels, staging areas, beaches or other special use areas.

~~2. Specify the method for fish holding and release for tournaments where fish are reduced to possession, usually for purposes of recording, and live fish are then released to the water from which they came.~~

~~3. Contain provisions for other than live release of fish when the department determines that weather conditions and water temperature are not conducive to survival of fish intended for release and the release may constitute malicious waste of natural resources under the provisions of s. 23.095 (1), Stats.~~

2. Require the fishing tournament sponsor to assure inspection and removal of all aquatic vegetation and aquatic invasive species from boats and trailers of participants entering and leaving water accesses.

3. Require the fishing tournament sponsor to assure decontamination of participant boats' live wells and bilge pumps prior to the tournament and prior to moving the boat to another body of water during the tournament.

4. Prohibit participants in permitted fishing tournaments that include multiple lakes from launching a boat previously used in body of water known to contain aquatic invasive species into a water not known to contain aquatic invasive species in the same day.

5. Prohibit participants in permitted open water fishing tournaments from using live minnows.

OR

5. Prohibit participants in permitted open water fishing tournaments from using live minnows not purchased in the state of Wisconsin.

46. Prohibit the use of tagged fish, except when approved by the department to enhance collection of data for management purposes as part of a scientific study, or when tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the department under s. 29.736, Stats., and s. NR 19.05.

(gh) Pursuant to s. NR 20.05 (7), any fish taken into actual possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.

(hi) The time limitations upon the length of a fishing tournament under this section do not include fishing activities by tournament participants carried out prior to the time when the tournament begins.

(ij) Except for tournaments on the Great Lakes, the fishing portion of any tournament may not run for more than 10 consecutive hours each day or more than ~~3~~ 4 consecutive days.

(jk) The fishing portion of tournaments on the Great Lakes is not limited.

(7 10) REPORTING. Each sponsor shall report the results of the sponsor's tournament and other information which the department deems necessary on forms available from the department no later than 30 days following the last day of the tournament.

Note: Reporting forms will be issued with permits.

(8 11) PENALTIES. In addition to any penalties provided by law, the department shall, for a period of 2 years from the date of violation, deny any ~~tournament~~ fishing tournament permit application submitted by a person it determines failed to comply with a tournament fishing permit or with a rule relating to tournament fishing.